

# Exhibit 11

**From:** Mark Pifko <MPifko@baronbudd.com>  
**Sent:** Wednesday, April 2, 2025 1:20 PM  
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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

**This message is from an EXTERNAL SENDER**

Be cautious, particularly with links and attachments.

Daniel,

On behalf of Arizona, we write to follow up on the discussion below regarding the DAO disclosure. We agree that the DAO requires identification of “the Departments, Agencies or Offices that possess information or documents responsive to the Plaintiff Fact Sheet.” Arizona has done so. “You,” “Your,” and “State” are defined, in the PFS, to mean “the Plaintiff named in this Action and any other State employees or entities on whose behalf the Plaintiff brings this action.” See PFS Definition No. 11.

The latter half of the definition has no import, because the Arizona AGO does not bring its action on behalf of “any other State employees or entities,” confirmed in the responses to PFS Ques. 5–8. As for the former half—“the Plaintiff named in this Action”—the Plaintiff is properly identified as the Arizona Attorney General.

Instead, Arizona brings its sole claim in its *parens patriae* capacity to seek relief for the citizens of Arizona under Arizona’s Consumer Fraud Act, AZ Stat. §§ 44-1521–1534, consistent with the Arizona Attorney General’s authority under the law. Specifically, the Act authorizes the Arizona Attorney General—not the State of Arizona in a unitary form—to bring enforcement litigation “when it appears to the attorney general that a person has engaged in or is engaging in” any practice barred by the Act. Thus, to the extent the PFS asks for information relating to “You,”

properly read as “the Attorney General” or “Your Health Plans,” properly read as “the Attorney General’s Health Plans,” *there is no responsive information* for the plaintiff to provide. This is true of all of the PFS Questions identified in your email, including: the number of beneficiaries (PFS Ques. 9), purchases of at-issue products (PFS Ques. 10), employees with responsibility for design and administration of prescription drug coverage (PFS Ques. 11), total drug spend (PFS Ques. 15), plans including prescription drug coverage (PFS Ques. 16), contracts for administration of prescription drug coverage (PFS Ques. 17), TPA contracts (PFS Ques. 18), PBM contracts (PFS Ques. 19), preventative drug lists (PFS Ques. 20), programs to lower OOP cost (PFS Ques. 21), rebate pass-throughs and other usage (PFS Ques. 23–24), PBM bids (PFS Ques. 25), master contracts for pharmaceutical purchases (PFS Ques. 26), TPAs and consultants used to select PBM services (PFS Ques. 43–44), and internal and external audits (PFS Ques. 46). All of this is to say, because no such responsive information exists, there are no additional Arizona departments, agencies, or offices “that possess information or documents responsive.” The entities identified on the Amended DAO remain Arizona’s proper responses.

In any event, the Arizona Attorney General’s powers are defined and limited by statute and do not derive from the type of unitary executive theory that the Defendants appear to contemplate. See AZ Const. Art. 5 § 1 (establishing the “executive department” as comprising each “the governor, lieutenant governor, secretary of state, attorney general, state treasurer and superintendent of public instruction”); *id.* at Art. 5 § 9 (“The powers and duties of lieutenant governor, secretary of state, attorney general, state treasurer and superintendent of public instruction shall be as prescribed by law.”); AZ Stat. § 41-192 (defining the powers and duties of the Attorney General). For example, while the Attorney General serves as “the legal advisor of the departments of [Arizona] and [shall] render *such legal services as the departments require*,” nothing in the statute authorizes the Attorney General to compel document collection or production from agencies who have not required its services. AZ Stat. § 41-192(A)(1). Further, to the extent that Section 41-292(A)(1) establishes the Attorney General’s role as legal advisor, certain agencies and departments are statutorily exempt from mandatory representation by the Attorney General’s Office. See § 41-192(D). The Attorney General, in sum, lacks the authority to compel collection of any information, even if the departments and agencies you identified possessed responsive information—which they do not.

Defendants’ efforts to re-cast Plaintiff’s complaint as something much broader than it is for the sole purpose of creating a burden on Plaintiff are not well taken. Defendants’ overly technical interpretation ignores the reality of Plaintiff’s complaint and seeks information that is not properly within the scope of the PFS and indeed, has zero relevance to the claims.

**Mark Pifko**

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**Sent:** Wednesday, March 19, 2025 8:37 AM

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Mark –

We have repeatedly provided you with this information, but—to bring this matter to a close—we’ve again relisted the additional Arizona departments, agencies, and offices that we believe are likely to possess information or documents responsive to the PFS and examples of PFS questions that implicate each agency. We’ve also included public statements that these Arizona agencies have made, which leave no doubt that they do in fact possess responsive information. Again, it is Arizona’s responsibility to identify the Arizona agencies with responsive information. All of these departments, agencies, or offices should be added to the others in Arizona’s DAO submission, and searched for documents / information relevant to Arizona’s PFS response. Please confirm you will add these agencies to your DAO by no later than Friday, March 21.

- **Arizona Department of Juvenile Corrections (“DJC”):** Arizona DJC appears to purchase or provide coverage for the products at issue in this case for individuals in its facilities. Per its website, “ADJC provides ongoing medical, dental, psychiatric and mental health care to all juveniles at Adobe Mountain School. .... We are able to provide ... complex care management including for individuals with chronic illnesses like ... diabetes.” “Medications are provided to all youth as prescribed by ADJC medical doctors or by psychiatrists. Stock medications are kept on-hand for immediate administration needs. Medications are ordered and shipped by a third party pharmacy company and we receive medication orders daily.” <https://adjc.az.gov/administrative-services/medical-services>. (See State AG PFS Questions: 9-13, 15-21, 43-46, 52-54 and Document Requests: 1-8.)
- **Arizona Auditor General:** This office ensures proper use of public funds by auditing Arizona agencies and operations to prevent fraud, waste, and abuse, including (potentially) review of the contracts entered into by the State’s other agencies listed herein. The office may also issue reports concerning PBMs and pharmaceutical pricing. (See PFS Questions: 11-13, 15, 23, 32-34, 37-38, 46, 50-51, 53-54, 56 and Document Requests: 6 & 8.)

- **Arizona Board of Pharmacy (“BOP”)**: Pursuant to its website, the Arizona BOP “regulat[es] the pharmacy practice” and “the manufacturing, distribution, sale and storage of prescription medications,” including the medicines at issue in this MDL. <https://pharmacy.az.gov/about> The BOP also licenses relevant entities, including certain Defendants. (See PFS Questions: 11-13, 32-42, 50-51 and Document Requests: 6 & 8.)
- **Arizona State Retirement System (“SRS”)**: Arizona SRS “administers ... retiree health insurance plans” for “[m]ore than a half-million of Arizona’s public servants.” <https://www.azasrs.gov/content/about-us>. In fact, an Arizona SRS video references insulin drug affordability programs for members in those health plans. See <https://www.brainshark.com/1/player/uhc?pi=zHwzN2G4vzYqsuz0&r3f1=&fb=0> (“\$0 Cost on Insulin and Other Vital Prescription Drugs”). And Arizona’s initial disclosures also identify Mr. Matson in his role as the Executive Director of the Arizona State Retirement System and say that he has knowledge regarding the scope and scale of diabetes diagnoses and treatment among retired state employees. (See State AG PFS Questions: 9-13, 15-21, 23-26, 43-46, 48-53 and Document Requests: 1-8.)

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Dan,

The Court's order requires the State to include entities in its DAO disclosure "that possess information or documents responsive to the PFS." All the entities that possess information responsive to Arizona's PFS are included in the operative DAO disclosure. Arizona amended its DAO disclosure to include Arizona Department of Corrections, Rehabilitation, and Reentry, which was the only entity that had information responsive to the PFS that was not originally included in Arizona's DAO disclosure.

With the appropriate framework in mind, in Defendants' view, what other entities "possess information or documents responsive to the PFS" that are NOT included in Arizona's operative DAO disclosure? And what is Defendants' basis for that position? Put another way, what answer in Arizona's PFS leads you to believe that an entity not included in Arizona's DAO disclosure has information or documents responsive to its PFS? Arizona is happy to consider further amendments to the DAO response, but you haven't identified a basis for doing so. We are not at an impasse because you haven't said what you want and why.

Your email below refers to Defendants' January 24 letter. The entities of inquiry in your January 24 letter are as follows:

- (a) Arizona Department of Corrections
- (b) Arizona Department of Juvenile Corrections
- (c) Arizona Department of Health Services
- (d) Arizona Board of Pharmacy
- (e) Arizona Department of Administration
- (f) Arizona Health Care Cost Containment System
- (g) Arizona Auditor General
- (h) Arizona State Retirement System

A list of entities that are untethered to the PFS response does not further the discussion. Of that list, the only entities referenced in Arizona's PFS response are (c) Arizona Department of Health Services; (e) Arizona Department of Administration; (f) Arizona Health Care Cost Containment System; and (a) Arizona Department of Corrections, Rehabilitation, and Reentry. The other entities on your list do not have information responsive to the PFS. Accordingly, there is no deficiency in the DAO for not including them. If you have information to the contrary, please provide it and we will be happy to consider it.

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Hi Mark,

Our January 24 letter explains at pages 1-3 why these agencies are likely to possess information responsive to the PFS. Defendants have referenced that letter multiple times in our meet and confers and email correspondence on state DAOs.

Despite this, you have not confirmed, in any of your DAO disclosures or our meet and confers, whether these agencies possess information responsive to the PFS or explained why Arizona thinks our understanding of these agencies' roles and knowledge is mistaken. At a minimum, the State Retirement System should be included in your DAO because Arizona has already identified employees of that System as having relevant information.

Given that, and your continued request for additional reasons why Arizona needs to include these agencies in its DAO/PFS, we take it that Arizona disagrees with Defendants' position and the parties are at an impasse. While we are open to further discussions, Defendants plan to brief this issue given the parties' clear disagreement.

Daniel Berens

Associate

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Thanks Dan. What is the basis for why Defendants believe Arizona needs to include them? We have not failed to engage. As I noted below, we responded to your concerns and then heard nothing more from you. If you have reasons why those entities please let us know.

Mark Pifko

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Hi Mark,

Your amended DAO disclosure continues to ignore the other agencies we identified for you by name in our January 24 letter, including the Arizona Department of Juvenile Corrections, Arizona State Retirement System, Arizona Auditor General, and Arizona Board of Pharmacy. We are asking that you update your disclosure to include these entities—like nearly every other state has done for their respective equivalent DAOs—and state whether a subpoena would be required for these entities. You have consistently failed to engage with our request after 6 weeks. If you are requiring us to bring this dispute to the Court, we will.

Thanks,

Dan

Daniel Berens

Associate

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**Sent:** Tuesday, March 11, 2025 3:46 PM

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Daniel,

I write on behalf of Arizona in response to your email below. During the meet and confer discussions on this topic, with respect to Arizona, defendants raised two issues. First, Defendants contended that the DAO disclosure requires the responding parties to identify entities who have “information” responsive to the PFS (not just documents). Second, Defendants contended that Arizona had conceded the relevancy of certain entities because individuals who worked at the entities were identified in Arizona’s initial disclosures in regards to their knowledge of certain information. With respect to issue one, we provided an amended DAO disclosure that addresses Defendants’ position. With respect to issue two, we previously stated that just because an individual was identified as having a specific category information in the initial disclosures, Arizona does not agree that the entity as a whole is relevant such that it falls within the scope of what is required to be provided in the DAO disclosure. Your non-substantive email below is the only follow up we have received since Arizona responded to your inquiries. If you believe continued deficiencies exist with respect to Arizona’s DAO disclosure, please identify what they are, the basis for them and any other information you believe would be helpful and we will consider it and get back to you. Under the circumstances, it’s not clear what deficiencies, if any, remain.

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**Sent:** Monday, March 10, 2025 11:35 AM

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Hi Mark,

Our February 26 email was addressed to all States, including the State of Arizona, whose supplemental DAO still omitted some of the agencies we identified in our January 24 letter. As you are aware, we have received amended DOA disclosures from a number of plaintiffs in the state AG track in recent days. Those amended DAO disclosures identified the agencies that Defendants requested and confirmed that responsive information from the vast majority of those agencies will be provided in the plaintiffs' PFS responses without the need for a subpoena. Please let us know—including in light of those amended disclosures—whether Arizona continues to refuse to add those missing agencies to your DAO. If that is Arizona's position, then we believe that we are at an impasse and intend to bring this to the Court.

Thanks,

Dan

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Chris,

In light of our discussion during the meet and confer, Arizona is providing an amended DAO disclosure. You should receive it shortly. We are happy to discuss with your team further after you have had a chance to review. We withhold further comment on the substance of your email.

**Mark Pifko**  
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**Sent:** Friday, February 21, 2025 10:41 AM

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Counsel,

We are responding to Joanne's email of February 19. As a threshold matter, we have not received a response at all from Arizona regarding these issues. Nor have we received a response as to Texas, Indiana, or Louisiana, though counsel has promised to follow up as to those states shortly.

As to the substance of your email: Judge Singh ordered the States to disclose all departments, agencies, or offices (DAO) that possess information or documents responsive to the PFS. That disclosure was ordered three months ago. The States have not made this straightforward disclosure, and your February 19 email continues not to provide that information. A month ago, Defendants provided you with a list of DAO that we believe possess responsive information; we also provided you with our rationales for why they possess such information and identified specific PFS questions for each. We have also discussed these issues in several emails and conferrals. We are entitled to know whether those agencies possess information responsive to the PFS. Defendants should not be required to cobble together the States' DAO positions from separate one-off disclosures, inconsistent PFS responses, and stray emails. By next Tuesday (2/25), please provide a single DAO disclosure for each State whose DAO submission deadline has passed (i.e., Mississippi, Arkansas, Kansas, Montana, Illinois, Kentucky, Montana, Oklahoma, Texas, Utah, Arizona, Indiana, and Louisiana) that answers whether each DAO that we identified in our January 24, 2025 letter possesses responsive information.

If the States do not promptly provide these DAO submissions consistent with their obligations under Judge Singh's order, we will seek the Court's intervention.

**Chris Burrichter**

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Counsel, thank you for your email of February 15. This response pertains to our State AG clients only, and with the exception of the Texas Attorney General Office, Consumer Protection Division (“TX CPD”). We will write separately regarding the TX CPD in short order. Also, I am not speaking for California, Louisiana, Indiana or Arizona.

You have not accurately captured our clients’ positions in your bullets 1-3 (bullet 4 was AZ specific).

1. Each of our State clients already have identified in response to Q13 of the Plaintiff Fact Sheet (“PFS”) served January 21, 2025 the “department, agencies, etc that [each] believe may have knowledge or responsibility over functions related to the allegations in [each] complaint.” And each already has identified the specific areas of potentially relevant information for such departments. And to the extent the identified department houses the state employee health plan, consistent with Judge Singh’s rulings, the States already have answered the PFS accordingly and produced documents with commitments to supplement.

It is our understanding through the meet and confer process and your communications of January 24 and February 15 that Defendants seek to have plaintiffs answer specific questions in the PFS related to the information contained in each State’s PFS question 13 response. The States will provide these additional PFS responses by February 28.

2. We do not agree that the Department of Corrections (“DOC”) is relevant to any of our clients’ claims. As each State’s PFS responses revealed, none are pursuing DOC claims. Nevertheless, and with a full reservation of rights, each of our states will respond to the specific PFS questions

identified in your January 24 letter for their respective DOCs. We will endeavor to do this by February 28 but some additional time may be required.

3. We do not understand your comment, which seems to call for privileged attorney client information. Please clarify or let's have a call to discuss.

Regards,  
Joanne

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Counsel:

Thank you for speaking with us yesterday regarding the States' respective Departments, Agencies, and Offices (DAO) submissions to date. We note that Indiana and Louisiana did not participate in our meet and confer or respond to Defendants' January 24, 2025 letter regarding the deficiencies with the States' DAOs.

During our meeting, the States articulated the following positions:

1. The States asserted that information and documents held by their DAOs are not necessarily "responsive" to the PFS, even if they are directly called for by specific questions or document requests in the PFS.
2. The States would not concede that their Departments of Correction have responsive information even though there was no dispute that the DOCs contract to purchase insulin on behalf of their inmate populations, and the States' counsel represented that some states have produced documents from the DOC in response to the PFS.
3. The States would not disclose how they confirmed whether a state agency had responsive information to the PFS when providing their DAO submissions.
4. Arizona's counsel stated that individual employees of state agencies might have responsive information, but that the state agency *itself* would not have such information and there was no obligation for the State to look for that information with the agency. Examples discussed included the individuals that Arizona identified in its initial disclosures (i.e., Larry Gann Jr., Assistant Director of the Healthcare Services Division, Arizona Department of Corrections, Rehabilitation, and Reentry and Paul Matson, Executive Director, Arizona State Retirement System).

The States indicated they would promptly follow up again in response to our discussion, including on whether or not the state agencies identified in Defendants' January 24, 2025 letter possess information or documents responsive to the PFS. Judge Singh first ordered the disclosure of this information on November 20, 2024, and we request that the States give their final positions by Wednesday, February 19, 2025.

Thank you

**Chris Burrichter**

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**Subject:** Re: MDL No. 3080 - State AGs DAO meet and confer

2pmCT on Friday works well thank you Chris. Can you please send invite?

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Good morning,

Please confirm whether counsel for the State AG plaintiffs is available to further meet and confer regarding the DAO submissions this Friday at 2:00 or 3:00pm CT.

Thank you,  
Chris

**Chris Burrichter**

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Counsel:

On behalf of the State of Arizona, we write in response to your January 24, 2025 letter regarding the State's Departments, Agencies, or Offices ("DAO") submissions in the Insulin Pricing MDL. Specifically, with respect to Arizona, you inquired regarding the following entities:

- (a) Arizona Department of Corrections
  - (i) Rehabilitation and Reentry
- (b) Arizona Department of Juvenile Corrections
- (c) Arizona Department of Health Services
- (d) Arizona Board of Pharmacy
- (e) Arizona Department of Administration
- (i) Benefit Services Division



- (1) Arizona State Employee Health Insurance Program
- (f) Arizona Health Care Cost Containment System
- (i) Medicaid
- (g) Arizona Auditor General
- (h) Arizona State Retirement System

During our January 22, 2025 meet and confer discussion, we asked you to explain why you believed the above-referenced entities had information responsive to the PFS, paying particular attention to the specific nature of the claims brought by each State. Nevertheless, in your January 24, 2025 letter, you failed to do so.

As you know, Arizona's case was brought by Kris Mayes, Attorney General for the State of Arizona exclusively under Arizona's Consumer Fraud Act seeking relief on behalf of the citizens of Arizona. Arizona is not seeking damages related to the State's procurement of the insulin or GLP-1 products at issue in the Complaint. Accordingly, the above-referenced entities do not possess information responsive to the PFS. Moreover, Arizona's identification of Paul Matson (Executive Director of the Arizona State Retirement System), and Larry L. Gann Jr. (Assistant Director of the Healthcare Services Division) with respect to limited topics in its Initial Disclosures does not mean that the Arizona Department of Corrections or the Arizona State Retirement System as a whole have documents responsive to Arizona's PFS.

We reiterate our request for you to provide an explanation as to why the above-referenced entities would have information responsive to Arizona's PFS given the narrowly tailored nature of Arizona's claims. If you have such information, please provide it and we will be happy to respond.

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Counsel:

Thanks for the call on Wednesday. Attached please find Defendants' correspondence regarding the States' DAO submissions to date.

Regards,

**Jason Feld**

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**Subject:** RE: MDL No. 3080 - State AGs DAO meet and confer

Someone will cover for AZ. Let's lock it in.

---

**From:** John Alden Meade <jam@meadeyoung.com>

**Sent:** Monday, January 20, 2025 3:05 PM

**To:** Joanne Cicala <joanne@cicalapllc.com>

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**Subject:** Re: MDL No. 3080 - State AGs DAO meet and confer

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That works for IN and LA.

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On Mon, Jan 20, 2025, 1:25 PM Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)> wrote:

Chris, Wednesday at noon ET works for my group. I invite counsel for AZ, IN and LA to speak for their states. Thanks everyone.

JMC

Joanne Cicala



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**Subject:** Re: MDL No. 3080 - State AGs DAO meet and confer

Hi Joanne,

Defendants are available to meet and confer on Wednesday at noon ET. Please confirm that time works with the plaintiffs.

Thank you

**Chris Burrichter**

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On Jan 16, 2025, at 5:25 PM, Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)> wrote:

Chris, are defendants available late afternoon Tuesday 1/21, anytime Wednesday 1/22 or Thursday 1/23 (other than between 12-1pmET)? We will be prepared to meet and confer state by state on the DAOs served 12/26/24 and in order of case filing date. Thanks very much.

JMC



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**From:** Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)>  
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**Subject:** Re: MDL No. 3080 - State AGs DAO meet and confer



Chris- just touching base on this. I am working with State AG group on availability. Will be back to you with proposed times for M&C ASAP. Thanks. JMC

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**From:** Joanne Cicala <[joanne@cicalapllc.com](mailto:joanne@cicalapllc.com)>  
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**Subject:** Re: MDL No. 3080 - State AGs DAO meet and confer

Good morning Chris, received your email below. A lot of folks in transit for today's CMC. I will get back to you ASAP with availability to meet and confer on the State DAOs, served 12/26/24.

Thanks,  
Joanne

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